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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 JIM BASS HOLDEN,

Case No. 2:14-cv-00894-APG-PAL

10 Petitioner,

ORDER

11 v.

12 STATE OF NEVADA, et al.,

13 Respondents.

14 This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

15 Before the court is petitioner Jim Bass Holden's counseled motion for leave to file
16 a second-amended petition (ECF No. 32). Respondents opposed (ECF No. 35).

17 On January 22, 2018, this court denied respondents' motion to dismiss certain
18 grounds in Holden's first-amended petition and directed respondents to file an answer
19 (ECF No. 31). On February 28, 2018, current CJA counsel for Holden filed a motion for
20 leave to file a second-amended petition and filed the proposed second-amended
21 petition a week later (ECF Nos. 32, 33). Counsel points out that she is the third lawyer
22 appointed as counsel for Holden. The Federal Public Defender was unable to represent
23 Holden due to a conflict (see ECF No. 9). Jeffrey Blanck was then appointed as CJA
24 counsel. On October 29, 2014, Blanck filed a motion to stay this case pending the
25 conclusion of Holden's state-court proceedings, which this court granted. He also filed,
26 contemporaneously, an amended petition (ECF Nos. 14, 15, 17).

27 On February 11, 2016, the court granted Blanck's motion to withdraw as counsel
28 because Blanck had accepted a position with a public entity in another state and was

1 closing his practice in Nevada (ECF No. 19). Next, the court appointed CJA counsel
2 Julian Gregory. *Id.* On March 20, 2017, the court granted Gregory's motion to withdraw
3 as counsel in light of Gregory's diagnosis with a medical condition that precluded his
4 effective representation of Holden (ECF No. 26). The court then appointed Gia A.
5 McGillivray as counsel. *Id.* McGillivray moves to file a second-amended petition (ECF
6 No. 32).

7 In light of the history of Holden's representation in this case, and mindful that he
8 is serving a term of life without the possibility of parole, the court grants the motion for
9 leave to file a second-amended petition. Respondents shall file a responsive
10 pleading—including potentially a motion to dismiss—to the second amended petition
11 (ECF No. 33).

12 **IT IS THEREFORE ORDERED** that petitioner's motion for leave to file a second-
13 amended petition (ECF No. 32) is **GRANTED**.

14 **IT IS FURTHER ORDERED** that respondents shall have **thirty (30) days**
15 following the date of entry of this order within which to answer, or otherwise respond to,
16 the second-amended petition (ECF No. 33).

17 **IT IS FURTHER ORDERED** that petitioner shall have **thirty (30) days** following
18 service of the response to file and serve petitioner's response.

19 **IT IS FURTHER ORDERED** that respondents' motion for extension of time to file
20 an answer to the first-amended petition (ECF No. 34) is **DENIED** as moot.

21 DATED: April 24, 2018.

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25 ANDREW P. GORDON
26 UNITED STATES DISTRICT JUDGE
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